

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 2105 - HB 2181

March 15, 2014

SUMMARY OF BILL: Authorizes the court to set and include a commission for the sheriff when awarding reasonable expenses after the sale of a debtor's realty by auction to satisfy a judgment lien on the property.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The provisions of the bill are permissive to local government.
- According to the Administrative Office of the Court, the provisions of the bill will not result in any significant impact to the state court system.
- Based on information provided by Court Clerks, the provisions of the bill will not significantly impact the local court system.
- Pursuant to Rule 69.07 (4) of the Tennessee Rules of Civil Procedure, the sheriff shall sell debtor's realty at auction to satisfy a judgment lien. Proceeds of the sale shall first be applied to the sheriff's statutory fees and reasonable expenses, then to court costs, then to judgment creditors, and then any remaining balance to the judgment debtor.
- The provisions of the bill will not alter the amount of proceeds from the sale of property awarded to local government; merely the allocation of such proceeds will be altered. Because such local government proceeds are not altered, the net estimated fiscal impact to local government is not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

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